REMARKS

The specification is amended herein to correct informalities as discussed herein. Claims 36-61 are canceled herein. No new matter is presented. Upon entry of the Amendment, claims 1-35 will be all of the claims pending in the application.

I. Response to Objection to the Specification

On page 2 of the Action, the disclosure is objected to for the following alleged informalities:

(1) the Examiner states that the letter "e" is missing from words throughout the specification, e.g., on page 2, line 2, in the word "r latively" and on page 77, line 3, in the word "carri r";

(2) appropriate correction is required for trademarks used in the specification, specifically "Henschel Mixer"; and

(3) Tables 1-3 are not part of the specification or drawings, but are placed in an Appendix to the specification.

With respect to paragraph (1) above, Applicants respectfully submit that these errors are not contained in the copy of the original specification in our file. However, since the errors appear in the Image File Wrapper (IFW) copy of the specification, the specification is amended accordingly to avoid any ambiguity.

With respect to paragraph (2) above, the specification is amended herein by capitalizing the word "Henschel" to read "HENSCHEL".

With respect to paragraph (3) above, the specification is amended as suggested by the Examiner to include Tables 1-3 and by deleting the Appendix.

In view of the above, Applicants respectfully request withdrawal of the objections to the specification.

II. Interpretation

The Examiner asserts that the instant specification in the paragraph bridging pages 25 and 26, discloses that the index of crystallinity is determined by the equation $\Delta T = T_{mp} - T_{ms}$, where T_{mp} (°C) represents "the peak central value of the endothermic peak obtained when a melting point is measured according to differential scanning calorimetry (DSC), and T_{ms} (°C) represents the shoulder peak value of depth" and that according to the instant specification, a "smaller value of ΔT means higher crystallinity."

Applicants note that the specification refers to "the shoulder peak value of the peak" at line 2 on page 26 as opposed to "the shoulder peak value of the depth" as asserted by the Examiner. For the record, the term "shoulder peak value" as used in the present specification refers to a point such as T_{ms} in the curve shown in Figure 2 of the specification.

III. Response to Objections to the Claims

Paragraph 4:

In paragraph 4 on page 3 of the Action, claims 36-47 are objected to as being of improper independent form for failing to further limit the subject matter of a previous claim.

Claims 36-61 are canceled herein, thereby obviating the objection. Accordingly, Applicants respectfully request withdrawal of the objection.

Paragraph 7 on Page 5:

On page 5 of the Action, in paragraph 7 (after paragraph 8), claims 15 and 49 are objected to for the following alleged informalities:

(1) in claim 15, at line 2, there is an extraneous period in the phrase "component. and 80 mol%";

(2) in claim 49, at line 6, there is an extraneous period in the phrase, "fixing nip part. From the fixing roller".

Applicants respectfully submit that the "extraneous period" referred to by the Examiner in claim 15 at line 2 is actually a comma. However, to avoid ambiguity, the claim is amended herein. Claim 49 is canceled herein, thereby rendering the objection moot. Accordingly, Applicants respectfully request withdrawal of the claim objections.

IV. Response to Rejection under 35 U.S.C. § 112, Second Paragraph

In paragraph 6, claims 48 and 61 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite in view of the recitation "[a] fixing device for fixing the toner claimed in claim 1 onto a recording medium" because the claims do not recite any structural components.

Claims 48 and 61 are canceled herein, thereby rendering the rejection moot. Accordingly, Applicants respectfully request withdrawal of the rejection.

V. Response to Claim Rejection under 35 U.S.C. § 101

In paragraph 8, claims 48 and 61 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 48 and 61 are canceled herein, thereby rendering the rejection moot. Accordingly, Applicants respectfully request withdrawal of the rejection.

VI. Response to Claim Rejection under 35 U.S.C. § 102

In paragraph 11, claims 48-61 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. 6,839,537 (Mouri).

Claims 48 - 61 are canceled herein, thereby rendering the rejection moot. Accordingly, Applicants respectfully request withdrawal of the rejection.

VII. Response to Claim Rejections under 35 U.S.C. § 103(a)

In paragraph 12, claims 1-6, 8-23, 31, 33 and 36-48 are rejected under 35 U.S.C. §103(a) as alleged being unpatentable over WO 02/088408 (Matsumura) combined with U.S. 5,858,596 (Tajima) and U.S. 5,738,964 (Uchida). The Examiner relies on and cites to US 2004/0132920 A1 (US '920), which is the national stage of Matsumura, as an accurate English-language translation of the WO application of Matsumura.

In paragraph 13, claims 1-18, 20-23, 31, 33 and 36-48 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matsumura combined with Tajima and Uchida.

In paragraph 14, claims 23-26 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matsumura combine with Tajima and Uchida and further combined with U.S. 6,117,607 (Shimuzu) as evidenced by U.S. 6,653,040 (Ohba).

In paragraph 15, claims 23 and 28 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matsumura combined with Tajima and Uchida and further combined with U.S. 6,146,802 (Okada).

In paragraph 16, Claim 30 is rejected under 35 U.S.C. § 103(a) as allegedly being

unpatentable over Matsumura combined with Tajima and Uchida and further combined with U.S. 6,864,030 (Shirai).

In paragraph 17, claim 32 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matsumura combined with Tajima and Uchida and further combined with U.S. 6,022,661 (Kurose) and U.S. 6,063,537 (Nakamura '537).

In paragraph 18, claims 34 and 35 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matsumura combined with Tajima and Uchida, further combined with U.S. 5,707,772 (Akimoto).

Applicants respectfully submit that claims 36-38 are canceled herein, thereby rendering the rejection of these claims moot.

Further, the WO publication of Matsumura et al relied on by the Examiner was published in Japanese on October 24, 2002. The present application was filed in the U. S. on October 20, 2003. Therefore, the WO publication qualifies as a reference against the present application under 35 U.S.C. § 102(e)(1) based on the filing date of February 25, 2004, of the U.S. national stage application No. 10/474,753 (Pub. No. 2004/0132920, which is relied on by the Examiner as an English translation of the Japanese language international publication), since the international application was not published in English. Applicants claim priority to JP 2002-305188, filed in Japan on October 18, 2002, which antedates the effective date of the WO publication. The subject matter of the present claims 1-35 is supported by JP 2002-305188. A sworn English translation of the priority document is filed herewith in compliance with 37 C.F.R. § 1.55.

In view of the above, Matsumura is removed as prior art to the present application. The cited secondary references, whether taken alone or in combination, do not teach or suggest the claimed invention as recited in present claims 1-35. Therefore, the claimed invention is not rendered obvious.

Accordingly, Applicants respectfully request withdrawal of the obviousness rejections.

VII. Response to Obviousness-Type Double Patenting Rejections

Paragraph 21:

In paragraph 21, claims 1-20, 22-24 and 30-61 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-65 of copending application No. 10/687,968.

Claims 36-61 are canceled thereby rendering the rejection of these claims moot. Further, a terminal disclaimer is submitted herewith, thereby obviating the obviousness-type double patenting rejection.

Paragraph 22:

In paragraph 22, claim 21 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-39 of copending Application No. 10/687,968.

A terminal disclaimer is submitted herewith, thereby obviating the obviousness-type double patenting rejection.

Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection.

Paragraph 23:

Claims 1-23, 30, and 33-61 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-54 of copending Application No. 10/687,966 in view of Tajima and Uchida.

Claims 36-61 are canceled thereby rendering the rejection of these claims moot. Further, a terminal disclaimer is submitted herewith, thereby obviating the obviousness-type double patenting rejection.

Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection.

Paragraph 24:

In paragraph 24, claims 1-23 and 32-61 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-96 of copending Application No. 10/701,372 in view of Tajima and Uchida.

Claims 36-61 are canceled thereby rendering the rejection of these claims moot. Further, a terminal disclaimer is submitted herewith, thereby obviating the obviousness-type double patenting rejection.

Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection.

Paragraph 25:

In paragraph 25, claims 48-50, 52-55 and 57-60 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-8 of U.S. 6,839,537 (Mouri).

Claims 36-61 are canceled herein thereby rendering the obviousness-type double patenting rejection moot.

Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection.

VIII. Allowable Subject Matter

In paragraph 26, claims 27 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

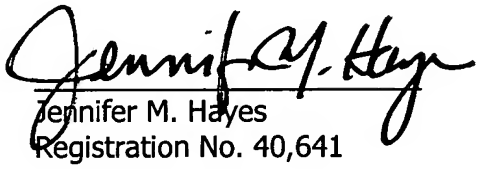
Applicants respectfully submit that the pending claims 1-35 are free of the prior art and therefore claims 25 and 27, which ultimately depend from claim 1, are allowable as presently written. In view thereof, Applicants respectfully request withdrawal of the objection to these claims.

IX. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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